

(Lieutenant-Governor Browning in the chair.)

During the discussion, Senator Patterson again yielded the floor to Senator Davidson of DeWitt, who moved to adjourn until 9:55 o'clock a. m. Tuesday, February 26.

Motion to adjourn was lost by the following vote:

Yeas—7.

Beaty.	Grinnan.
Dibrell.	Patterson.
Davidson of	Turney.
DeWitt.	Wayland.

Nays—16.

Davidson of	Potter.
Galveston.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
Johnson.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.
Paulus.	

Absent.

Goss.	Neal.
McGee.	Stafford.
Miller.	Turner.

Absent—Excused.

James.	Odell.
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And the Chair declared Senator Patterson still in possession of the floor.

(President Pro Tem. Miller in the chair.)

During the discussion, Senator Patterson again yielded to Senator Davidson of DeWitt, who moved that the Senate stand adjourned until 9:50 o'clock a. m. Tuesday morning, and

Accordingly, the Senate, at 12 o'clock, noon, adjourned, leaving Senate bill No. 29, and the amendment thereto by Senator Savage, pending business.

THIRTIETH DAY.

Senate Chamber,

Austin, Tex., Tuesday, Feb. 26, 1901.

Senate met pursuant to adjournment.

President Pro Tem. Miller in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—24.

Beaty.	Harris of Bexar.
Davidson of	James.
DeWitt.	Johnson.
Davidson of	Lipscomb.
Galveston.	Lloyd.
Dibrell.	Miller.
Goss.	Neal.

Odell.	Swann.
Paulus.	Turner.
Potter.	Wayland.
Savage.	Wheeler.
Stafford.	Wilson.
Staples.	Yett.

Absent—7.

Grinnan.	Patterson.
Hanger.	Sebastian.
Harris of Hunt.	Turney.
McGee.	

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of last Friday,

On motion of Senator Johnson, the same was dispensed with.

PETITIONS AND MEMORIALS.

Senator Davidson of Galveston presented a memorial from the citizens of Galveston county, and

Senator Johnson presented a memorial from the citizens of Navarro county,

Both asking an appropriation of \$25,000 for the Texas Volunteer Guard.

Read, and referred to Committee on Finance.

Senator Johnson presented a petition from the bar of Corsicana, protesting against the removal of the Court of Civil Appeals from Galveston to Houston.

Read, and referred to Committee on Judicial Districts.

Senator James presented a protest against the consolidation of the Courts of Criminal Appeals at Austin.

Read, and referred to Committee on Judicial Districts.

Senator Odell presented a petition from residents of Tom Green county, asking the passage of a law moving the lease line further west.

Read, and referred to Committee on Public Lands and Land Office.

Senator Davidson of DeWitt presented the following communication, and asked the same to be printed in the Journal:

SAM HOUSTON NORMAL INSTITUTE.

Huntsville, Tex., February 25, 1901.

My Dear Senator:

About 11:30 this morning I was called to the telephone and asked for some certain information. The wires were singing so that conversation was very difficult, and I was cut off before the conversation was finished. I could not understand the name of the gentleman with whom I was conversing, but the girl at Austin said that she thought it was Senator Davidson, consequently I address this letter to you. I understand

that you wish information in regard to the ability of the Normal School to accommodate a greater number of students. So far as buildings are concerned, we have abundant room for seven or eight hundred students. Our average enrollment for several years past has been something less than five hundred. With a small appropriation for rearranging, seating and furnishing certain rooms, and an appropriation for increasing our teaching force, we can easily accommodate two or three hundred additional students. I understood that you desired especially to know whether we could provide courses of study embracing instruction in the industrial arts, especially for girls. This we can readily do at such small expense as is provided in a bill introduced into the House by Hon. W. D. Adair, and I understand to be introduced into the Senate by Senator Neal. We need no dormitories.

I shall be glad to furnish any further information on this subject in my power to give.

Very truly yours,
H. C. PRITCHETT,
Principal.

P. S.:—

Dear Senator:

I have just left the telephone office at 3:15 p. m., after conversation with you. We can easily care for 300 additional students. In subject matter of the courses of study the industrial school would call for essentially the same as we now give in our normal courses, only such additional subjects as specially belong to an industrial school would have to be provided for.

We are ready to do whatever the Legislature wishes and authorizes us to do in this matter. I have studied the subject carefully, and know that we can do good work. I think I fully understand the necessities of such a school, and believe we can provide for them.

Truly yours in haste,
H. C. PRITCHETT.

The Chair (President Pro Tem. Miller) laid before the Senate the following memorial:

TEXAS WOMAN'S CHRISTIAN TEMPERANCE UNION.

Dallas, Tex., Feb. 21, 1901.

We, the Woman's Christian Temperance Union (Central) of Dallas, Texas, do most respectfully petition your honorable body to pass the bill creating a girls' industrial school without locating same, especially not making it an annex to the Agricultural and Mechanical

College, leaving it to the Board of Regents of the institution.

MRS. W. S. WALL,
President.

MRS. M. E. BOYER,
Secretary.

Senator Turner presented the following memorial:

To the Legislature of Texas:

The members of the commissioners court of Ellis county, and the members of the respective city governments of Waxahachie, Ennis, Italy, Milford, Ferris, Palmer and Midlothian, all in said Ellis county, respectfully urge upon the Legislature of Texas the passage of a compulsory vaccination law for the following reasons, viz.:

1. In this as well as other sections of the State, smallpox is assuming the epidemic form, there now being three or four hundred cases in this county and many deaths.

2. The dissemination of the germs of the disease has become so general and widespread that it has passed beyond local control.

3. Unless checked by some agency set in operation by the State, the inevitable result will be the loss of thousands of lives.

4. If the counties are left to fight this dreaded disease with the present inadequate facilities, the result will be the bankruptcy of the counties without any hope of a successful result in checking the disease.

5. If the present conditions continue, the disease must continue to spread during this and the succeeding years, until the entire State will be scourged, at the expense of thousands of lives, and utter demoralization of business.

6. By means of compulsory vaccination, the disease can be held in check, and in a short time exterminated, and these disastrous results avoided.

We therefore most earnestly beg for immediate and adequate relief from the present distressing conditions by passing a compulsory vaccination law.

J. E. LANCASTER,
County Judge.

TOM MARTIN,

Justice of Peace Precinct No. 1.

J. B. OVERALL,

Justice of Peace Precinct No. 2.

ALEX MOSELEY,

Justice of Peace Precinct No. 3.

B. C. LANCASTER,

Justice of Peace Precinct No. 4.

EXCUSED.

On motion of Senator Davidson of De-

Witt, Senator Turney was excused from attendance upon the Senate until Friday morning on account of important business.

On motion of Senator Stafford, Senator Patterson was excused from attendance upon the Senate indefinitely on account of sickness.

On motion of Senator Neal, Senator Stafford was excused for non-attendance upon the Senate on last Friday, on account of important business.

On motion of Senator Staples, Senator Goss was excused for non-attendance upon the Senate on last Friday on account of important business.

On motion of Senator Harris of Bexar, Senator Grinnan was excused from attendance upon the Senate indefinitely on account of important business.

BILLS AND RESOLUTIONS.

By Senator Davidson of DeWitt:

Senate bill No. 213, A bill to be entitled "An Act to prescribe the time of holding the terms of the district court in the Twenty-fourth Judicial District of Texas, and to regulate the issuance of process in said district."

Read first time, and referred to Committee on Judicial Districts.

By Senator Beaty:

Senate bill No. 214, A bill to be entitled "An Act to amend Title XV, Chapter 3, Article 605, of the Penal Code of the State of Texas, relating to assaults to commit some other offense, and to fix the punishment for an assault with intent to commit murder."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Wayland:

Senate bill No. 215, A bill to be entitled "An Act to amend Article 725 of the Code of Criminal Procedure of the State of Texas, relating to the keeping of jurors together under charge of any officer."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Lloyd and Savage:

Senate bill No. 216, A bill to be entitled "An Act to amend Articles 3099, 3103, 3104, 3105, of Title LIX, of the Revised Civil Statutes of Texas, adopted in 1895, reducing the conventional rate of interest from ten to eight per cent. per annum."

Read first time, and referred to Committee on State Affairs.

By Senator Savage:

Senate bill No. 217, A bill to be entitled "An Act to amend Article 336, Chapter 3, Title IX, of the Penal Code of the

State of Texas, relating to affrays and disturbances of the peace."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Savage:

Senate bill No. 218, A bill to be entitled "An Act requiring railroads to provide suitably equipped flat cars for the shipment of lumber and timber; to furnish such cars when requested so to do to shippers, and, on a failure so to do, authorizing the shipper to suitably equip such cars as are furnished and to recover the value of such equipment before any court of competent jurisdiction in this State."

Read first time, and referred to Committee on State Affairs.

By Senator Lipscomb:

Senate bill No. 219, A bill to be entitled "An Act to provide a penalty for the sale of tickets in spurious lottery companies, or the sale of spurious lottery tickets."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Potter for Senator Sebastian:

Senate bill No. 220, A bill to be entitled "An Act to amend Article 4218s, of Chapter 12a, of Title LXXXVII, of the Revised Civil Statutes of Texas."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senators Miller and Beaty:

Senate bill No. 221, A bill to be entitled "An Act to amend Article 5243k, Chapter 9, Title CIV, of the Revised Civil Statutes of the State of Texas of 1895, relating to franchise tax of corporations, etc."

Read first time, and referred to Judiciary Committee No. 1.

COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,

Austin, Texas, February 21, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 142, being a bill to be entitled "An Act to provide for the organization, control, management and active operation of the Southwest Texas Normal School, located at San Marcos, Hays county, Texas; the control and improvement of the grounds belonging to the same; the erection of the necessary buildings for said school; furniture for the same; water, light and heating of

said buildings; and appropriating money for those purposes,"

And find the same correctly engrossed.
BEATY, Chairman.

Committee Room,
Austin, Texas, February 21, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 72, being a bill to be entitled "An Act to provide for a mineral survey of the State of Texas, and to make an appropriation therefor,"

And find the same correctly engrossed.
BEATY, Chairman.

The Chair here declared the morning call concluded.

FIRST HOUSE MESSAGE.

The following first House message was delivered to the Senate:

Hall of the House of Representatives,
Austin, Texas, February 26, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

Senate Joint Resolution No. 3, A joint resolution amending Article 6, Section 2, of the Constitution of the State of Texas, requiring all persons subject to a poll tax to have paid a poll tax and to hold a receipt for same before they offer to vote at any election in this State, and fixing the time of payment of said tax, with amendments.

Also House bill No. 44, a bill to be entitled "An Act to amend Sections 91, 93 and 176 of an act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' passed by the Twenty-fourth Legislature."

Also House Concurrent Resolution No. 15, Granting leave of absence to Hon. Wells Thompson.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN THE SENATE.

The Chair (President Pro Tem. Miller) laid before the Senate House bill No. 44 (see caption in first House message above), and had the same referred to the Committee on Towns and City Corporations.

SENATE CONCURRENT RESOLUTION NO. 3—SPECIAL ORDER.

The Chair (President Pro Tem. Miller) here laid before the Senate, the special order of business.

Senate Concurrent Resolution No. 3:

Whereas, The present crowded condition and the rapid increase of the business of the Treasury department makes it imperative that additional room be provided; and,

Whereas, His Excellency the Governor, in his message to the Twenty-seventh Legislature, recommends that provisions be made for the carrying out of Article 2858 of the Revised Statutes, making it mandatory on the part of the Treasurer to keep account of all appropriations made by law, and making it the duty of the Treasurer also to keep an account of all State, county and city bonds of which he may be the custodian for the several funds, and to carry out said recommendations suggests that two additional clerks be allowed said department; therefore, be it

Resolved by the Senate, the House of Representatives concurring, that the room adjoining the Treasury department now occupied by the Attorney General be and is hereby set apart for the use and occupancy of the Treasury department, and that the room immediately west of the Attorney General's department be and is hereby set apart for the use and occupancy of the Attorney General's department.

To carry out the provisions of this resolution the Superintendent of Public Buildings and Grounds is hereby authorized and directed to make necessary opening from the room used by the Attorney General's department to that now occupied by the Treasury department adjoining.

Action being on the following pending amendment by Senator Johnson:

"Amend Senate Concurrent Resolution No. 3 by adding after the words 'Attorney General's department,' in line 22, the following: 'Provided, that the vault opening into the room herein set apart for the use of the Treasury department shall be reserved for the use of the Attorney General's department.'"

Senator Johnson withdrew the amendment.

The resolution having been read the second time (see Journal of February 21st, page 287),

Senator Johnson offered the following amendment:

"Amend Senate Concurrent Resolution No. 3 by striking out all after the word

'concurring,' in line 17, and inserting in lieu thereof the following: "That the Superintendent of Public Buildings and Grounds, under the instructions of the Governor, is hereby authorized and directed to immediately make the necessary change in order to give the Treasury department sufficient room.'"

Amendment was read, and adopted, and

The resolution, as amended, was adopted.

Senator Johnson moved to reconsider the vote by which the resolution was adopted and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 29—(INDUSTRIAL SCHOOL BILL)—PENDING BUSINESS.

The Chair then laid before the Senate, the pending business, Senate bill No. 29—Industrial School Bill—action being on the following amendment by Senator Savage:

"Amend by striking out in Section 12, line 15, the words 'fifty thousand' wherever they occur and insert 'forty thousand.'"

Pending action on the above amendment

Senators Savage, Neal and Davidson of DeWitt offered the following substitute for the amendment and the bill:

SUBSTITUTE SENATE BILL NO. 29—OFFERED IN LIEU OF BILL.

"Amend by striking out all after the enacting clause and insert in lieu thereof the following:

"Section 1. That an industrial department in the Sam Houston Normal College is hereby established for the education of white girls in the arts and sciences, which shall be known as an industrial department in said college for the education of white girls who are bona fide residents of the State of Texas in the industrial arts and sciences.

"Sec. 2. That the State Board of Education shall possess all of the powers necessary to accomplish and carry out the provisions of this act, the establishment and maintenance of a first-class industrial department in the Sam Houston Normal College for the education of white girls in the industrial arts and sciences, who shall be bona fide residents of this State, and shall prescribe a course of such work and studies, and shall include the following: A knowledge of kindergarten instruction, also a knowledge of telegraphy, stenography and photography; also a knowledge of

drawing, painting and designing and engraving in their industrial application; also a knowledge of general needle work, including dressmaking; also a knowledge of bookkeeping; also a thorough knowledge of scientific and practical cooking, including a chemical study of foods; also a knowledge of practical house keeping; also a knowledge of trained nursing, caring for the sick; also a knowledge of care and culture for children, with such other practical industries as from time to time may be suggested by experience or tend to promote the general object of said industrial department, to wit: Fitting and preparing such girls for the practical industries of the age.

"Sec. 3. The Board of Education shall appoint teachers for said industrial department; shall classify their work and fix their salaries according to the amount of labor and responsibility required in this class of work; provided, that no teacher shall receive for services rendered as such more than \$1200 per annum.

"Sec. 4. The Board of Education shall have power to provide for the appointment of students to said industrial department as in the main college, and shall admit other students, who shall be required to pay tuition in whole or in part, as may be prescribed by the Board.

"Sec. 5. The students in this department shall be taught in the unoccupied rooms of the buildings in the Sam Houston Normal College until further provisions are made by the Legislature.

"Sec. 6. That to carry out the provisions of this act there shall be appropriated out of any monies in the State treasury not otherwise appropriated for the year 1901 the sum of ten thousand dollars, and for the year 1902 the sum of ten thousand dollars, or as much of said ten thousand dollars as may be necessary for each year.

"Sec. 7. The fact that there is no provision in the State of Texas for the education of white girls in the industrial arts and sciences, including industrial work, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted."

Senator Stafford moved to postpone the bill until Friday, March 1, and the same be made a special order for that day.

Senator Davidson of DeWitt amended the motion so as to make the bill a special order for next Thursday, which

amendment Senator Stafford accepted, and

(Senator Turner in the chair.)

Senator Miller amended the amended motion of Senator Stafford so as to make the bill a special order for tomorrow after the morning call, and

The motion prevailed by the following vote:

Yeas—14.

Beaty.	Odell.
Goss.	Potter.
Harris of Bexar.	Stafford.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Turner.
Miller.	Wilson.

Nays—10.

Davidson of	Neal.
DeWitt.	Paulus.
Davidson of	Savage.
Galveston.	Wayland.
Dibrell.	Wheeler.
Lloyd.	Yett.

Absent.

Hanger.	McGee.
Harris of Hunt.	Sebastian.

Absent—Excused.

Grinnan.	Turney.
Patterson.	

The motion as amended was then adopted.

(President Pro Tem. Miller in the chair.)

SENATE BILL NO. 177—ON SECOND READING.

On motion of Senator Stafford, pending business (Senate bill No. 77) was suspended, and the Senate took up, out of its regular order,

Senate bill No. 177, A bill to be entitled "An Act to amend Article 3978, Title LXXXVI, Section 75, of the Revised Statutes of the State of Texas, relating to diplomas and certificates of certain colleges."

The Chair (President Pro Tem. Miller) then laid the bill before the Senate on its second reading.

Bill was read second time, and ordered engrossed by the following vote:

Yeas—18.

Beaty.	Johnson.
Davidson of	Lipscomb.
DeWitt.	Lloyd.
Davidson of	Odell.
Galveston.	Paulus.
Dibrell.	Savage.
Harris of Bexar.	Stafford.
James.	Staples.

Swann.
Turner.

Wilson.
Yett.

Nays—4.

Goss.
Miller.

Fotter.
Wheeler.

Absent.

Hanger.
Harris of Hunt.
McGee.

Neal.
Sebastian.
Wayland.

Absent—Excused.

Grinnan.
Patterson.

Turney.

SENATE BILL NO. 203—ON SECOND READING.

On motion of Senator Potter, the pending business (Senate bill No. 77) was suspended and the Senate took up out of its order

Senate bill No. 203, A bill to be entitled "An Act to amend Article 994a of the Revised Statutes of the State of Texas of 1895, providing for the manner of transferring cases from one Court of Civil Appeals to another."

The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Potter offered the following amendment:

"Amend by adding Section 2 as follows:

"Section 2. The fact that the present mode of transferring cases from one Court of Civil Appeals to another creates great inconvenience and expense, creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three separate days, the said rule is therefore suspended, and this act shall be in force from and after its passage, and it is so enacted."

Amendment was read, and adopted, and

Senator Davidson of DeWitt offered the following amendment:

"Amend by adding the following to line 24, page 1: 'Provided, that the transfer shall be made before the cases have been submitted.'"

Amendment was read, and adopted, and

The bill was ordered engrossed.

On motion of Senator Potter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Davidson of
Davidson of	Galveston.
DeWitt.	Dibrell.

Goss.	Potter.
Harris of Bexar.	Savage.
James.	Stafford.
Johnson.	Staples.
Lipscomb.	Swann.
Lloyd.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.
Odell.	Yett.
Paulus.	

Absent.

Hanger.	Sebastian.
Harris of Hunt.	Turner.
McGee.	

Absent—Excused.

Grinnan.	Turney.
Patterson.	

Bill was read third time, and passed by the following vote:

Yeas—23.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Stafford.
Goss.	Staples.
Harris of Bexar.	Swann.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.
Miller.	

Absent.

Hanger.	Sebastian.
Harris of Hunt.	Turner.
McGee.	

Absent—Excused.

Grinnan.	Turney.
Patterson.	

Senator Potter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 112—CALLED UP FROM THE TABLE.

Senator Goss called up from the table Senate bill No. 112, A bill to be entitled "An Act to validate sales of school lands in certain cases."

The Chair (President Pro Tem. Miller) then laid the bill before the Senate, on its passage to engrossment, the bill having been read second time, with the following amendment by Senator Goss pending:

"Amend by adding after the word 'thereon,' in line 28, page 1, of printed bill, the following: 'And in case the original purchaser from the State had sold said section before his three years

occupancy was completed to another who himself completed said occupancy, then such vendee shall be entitled to the same rights as are given by this act to the original purchaser.'"

Pending action on the foregoing,

Senator Savage offered the following substitute for the amendment:

"Provided, that the provisions of this act shall apply to those only who actually resided on home sections for three years."

(Senator Harris of Bexar in the chair.)

Pending action on the foregoing amendment and substitute,

Senator Davidson of DeWitt offered the following substitute for both:

"Substitute for the amendment and substitute: 'Strike out line 18 of the bill.'"

(President Pro Tem. Miller in the chair.)

The foregoing substitute by Senator Davidson of DeWitt was adopted by the following vote:

Yeas—17.

Davidson of	Odell.
DeWitt.	Paulus.
Dibrell.	Potter.
Harris of Bexar.	Savage.
James.	Stafford.
Johnson.	Staples.
Lloyd.	Swann.
Miller.	Wayland.
Neal.	Wilson.

Nays—5.

Beaty.	Wheeler.
Goss.	Yett.
Lipscomb.	

Absent.

Davidson of	McGee.
Galveston.	Sebastian.
Hanger.	Turner.
Harris of Hunt.	

Absent—Excused.

Grinnan.	Turney.
Patterson.	

The amendment as substituted was then adopted.

SENATE BILL NO. 127—ON SECOND READING.

On motion of Senator Johnson, the pending business (Senate bill No. 77) was suspended and the Senate took up out of its order

Senate bill No. 127, A bill to be entitled "An Act to amend Article 3294, Chapter 2, Title LXVI, of the Revised Civil Statutes of Texas of 1895, relating to the lien of mechanics, contractors, builders

and material men, and declaring an emergency."

The Chair (President Pro Tem. Miller) then laid the bill before the Senate, on its second reading.

Bill was read second time, and the following committee amendment was adopted:

"Amend by adding in line 14, after the word 'whatever,' the following words: 'Under or by virtue of a contract with the owners.'"

Bill was ordered engrossed.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Beaty.	Paulus.
Davidson of	Potter.
DeWitt.	Savage.
Dibrell.	Stafford.
Harris of Bexar.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Neal.	Yett.
Odell.	

Nays—1.

Goss.

Absent.

Davidson of	Harris of Hunt.
Galveston.	McGee.
Hanger.	Sebastian.

Absent—Excused.

Grinnan.	Turney.
Patterson.	

Bill was read third time, and passed by the following vote:

Yeas—23.

Beaty.	Odell.
Davidson of	Paulus.
DeWitt.	Potter.
Dibrell.	Savage.
Goss.	Stafford.
Harris of Bexar.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Neal.	Yett.

Absent.

Davidson of	Harris of Hunt.
Galveston.	McGee.
Hanger.	Sebastian.

Absent—Excused.

Grinnan.	Turney.
Patterson.	

Senator Johnson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 77—PENDING BUSINESS.

The Chair then laid before the Senate pending business,

Senate bill No. 77, A bill to be entitled "An Act providing for the protection of laboring men, and prescribing a penalty for a breach thereof."

Bill as previously amended was ordered engrossed by the following vote:

Yeas—15.

Davidson of	Paulus.
DeWitt.	Stafford.
Goss.	Staples.
Harris of Bexar.	Swann.
Johnson.	Turner.
Miller.	Wayland.
Neal.	Wheeler.
Odell.	Wilson.

Nays—8.

Beaty.	Lloyd.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Yett.
James.	

Absent.

Hanger.	McGee.
Harris of Hunt.	Sebastian.
Lipscomb.	

Absent—Excused.

Grinnan.	Turney.
Patterson.	

SENATE BILL NO. 13—CALLED UP FROM THE TABLE.

Senator Harris of Bexar called up from the table

Senate bill No. 13, A bill to be entitled "An Act to define the character and quality of possession of real property which is sufficient to operate as constructive notice of the possessor's right or title thereto."

The Chair then laid the bill before the Senate on engrossment.

Senator Harris of Bexar offered the following substitute for the bill:

SUBSTITUTE SENATE BILL NO. 13.

"Amend by striking out all after the enacting clause and inserting the following:

"Section 1. That when a person in possession of real property relies upon that possession as equivalent to constructive notice of his interest therein or his right or title thereto such possession must be an actual, open, distinct,

continuous, notorious, visible, exclusive and adverse occupancy of the land in question; failing to possess each and all of these qualities it shall not operate as constructive notice, or be sufficient to put an innocent purchaser for value on inquiry.

"Sec. 2. The notice given by such possession as against an innocent purchaser for value shall only extend to the land actually occupied in the manner and of the character stated in Section 1 hereof by the party asserting such possession as notice of his right or title thereto; provided, that this act shall not apply to tracts of less than three thousand acres, nor to property situated in cities or towns.

"Sec. 3. No possession or occupancy of the land in common or in connection with a third person, and no mere exercise of acts of ownership equivocal in their nature over the land will suffice as notice, or be sufficient to put an innocent purchaser for value on inquiry.

"Sec. 4. The burden of proof in cases where possession or occupancy is relied on as notice of the possessor's or occupant's right in or title to any lands or premises shall be upon the party asserting such possession or occupancy as notice.

"Sec. 5. The presumption arising from the possession or occupancy herein defined, that an innocent purchaser for value had constructive notice of the possessor's right or title to any land and premises is not conclusive, but may be rebutted by such innocent purchaser for value showing that he has exercised due diligence and failed to learn of the occupant's right or title to the lands and premises.

"Sec. 6. The uncertainty of land titles occasioned by the absence of any statute regulating the character of possession of real estate required as notice of the possessor's right or title thereto creates an emergency and an imperative public necessity which demands that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted."

Pending action on the foregoing, the bill and pending substitute, on motion of Senator Turner, was laid on the table subject to call, and the substitute ordered printed in the Journal.

SENATE BILL NO. 22—MADE SPECIAL ORDER FOR MARCH 12.

On motion of Senator Paulus,
Senate bill No. 22. A bill to be entitled
"An Act to provide for the incorporation

of mutual fire insurance companies, and defining their powers and duties,"

Was made special order for Tuesday, March 12, at the conclusion of the morning call.

SENATE BILL NO. 157—ON SECOND READING.

On motion of Senator Swann, the pending business (Senate bill No. 82) was suspended, and the Senate took up, out of its order,

Senate bill No. 157, A bill to be entitled "An Act to change and fix the times for holding the courts in the Fifty-fourth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict therewith."

The Chair then laid the bill before the Senate on its second reading.

Read second time, and ordered engrossed.

Senator Swann moved to reconsider the vote by which the bill was ordered engrossed.

Motion to reconsider prevailed, and

Senator Swann offered the following amendment:

"Amend by inserting, 'and third Monday in' between the words 'March and September,' in line 17, and striking out the words 'and November,' in line 18."

Amendment was read and adopted.

Bill as amended was ordered engrossed.

HOUSE BILL NO. 4—FREE CONFERENCE COMMITTEE REPORT.

Committee Room,

Austin, Texas, February 21, 1901.

To the Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives:

We, the undersigned, your Free Conference Committee on House bill No. 4, A bill to be entitled "An Act to amend Chapter 153 of the General Laws of the State of Texas," passed at the Regular Session of the Twenty-fifth Legislature, and amended at the Regular Session of the Twenty-sixth Legislature, entitled "An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of the ordinary hook and line and trot line, and to prohibit the sale or shipping of game fish in this State, and to provide penalties for the violation thereof," by exempting the county of Cherokee and other counties from the provisions of this act,

Have had the same under considera-

tion, with the Senate amendments, and beg leave to report back as follows:

1. That the Senate adheres to all of its amendments.

2. That the House agrees to concur in all of the Senate amendments.

Respectfully submitted,

LLOYD,
PAULUS,
WHEELER,

Committee on part of the Senate.

PERKINS,

LANE,

CONNALLY,

Committee on part of the House.

SENATE BILL NO. 74—RESET FOR MARCH 5.

On motion of Senator Dibrell, Senate bill No. 74 (double-header bill), which was made a special order for Thursday, February 28, was reset for March 5, after the conclusion of the morning call.

EXECUTIVE MESSAGE.

The following executive message was delivered to the Senate:

To the Senate and House of Representatives:

I herewith transmit for the consideration of the Legislature copies of a communication addressed me by the State Purchasing Agent for the eleemosynary institutions and for the Confederate Home.

Heretofore, and for many years past, contracts and purchases have been biennially made for these institutions during the time stated contrary to law and without appropriations for the purpose.

Believing that there should be no purchase or contract without the direct authority of the Legislature, I have to recommend that appropriations, as estimated by the State Purchasing Agent, be made at the earliest moment practicable, and to be immediately available.

The amounts so appropriated should be deducted from the deficiency bill for the six months ending August 31, 1901.

Inasmuch as the Legislature has provided that the appropriation year shall hereafter begin on September 1, this contingency will not be likely to again occur.

JOSEPH D. SAYERS,
Governor.

(Copy.)

Austin, Texas, February 26, 1901.

His Excellency, Joseph D. Sayers, Governor, Capitol.

SIR: Recurring to the fact of my hav-

ing awarded on the 15th inst., contracts for furnishing groceries and fresh meat for the several State charitable and eleemosynary institutions for the six months beginning March 1, 1901, deliveries under which contracts are to be made the 1st prox., also the second delivery under contracts previously awarded, both for groceries and dry goods, I beg to advise that I have carefully estimated the amounts that are necessary to cover such deliveries, which are as follows:

For the North Texas Insane Asylum:
Groceries, fuel, light and

water\$16,787.34

Dry goods and clothing..... 1,662.00

For the Southwestern Insane Asylum:

Groceries, fuel, light and

water\$ 9,207.77

Dry goods and clothing..... 4,047.00

For the State Lunatic Asylum:

Groceries, fuel, light and

water\$ 9,960.65

Dry goods and clothing..... 3,583.00

For the Deaf and Dumb Asylum:

Supplies, provisions, etc.....\$ 4,708.47

For the Confederate Home:

Maintenance of inmates.....\$ 6,288.00

For the State Orphan Home:

Maintenance\$ 6,260.05

For the Blind Asylum:

Groceries, provisions, etc.....\$ 2,672.70

Dry goods and clothing..... 526.00

For the Deaf, Dumb and Blind Asylum:

Groceries, provisions and mis-

cellaneous\$ 2,510.09

In explanation of the foregoing amounts, will state that there are included in the following amounts, respectively, covering such perishable articles as the institutions will probably require for the month of March, but with the purchase of which this department has nothing to do. Two thousand dollars; one thousand dollars; one thousand dollars; five hundred dollars; five hundred dollars; five hundred dollars; five hundred dollars; two hundred and fifty dollars.

In further explanation will state that in the case of about a dozen articles, delivery of a six months' supply has been authorized, and a quarter's supply ordered delivered of the remaining articles on the grocery list.

In this connection, I beg to state that my interpretation of the Purchasing Agent Act is, that cash on delivery is to be paid for all our purchases, and it is with this understanding that contracts are awarded. I have postponed the awarding of groceries until the last moment, hoping that the six months appropriation bill would be passed so as to

be available March 1st, but as said bill will probably not become a law under a month, it seems to me that either all contracts made should be canceled, which would occasion considerable loss to contractors who have arranged for deliveries on the 1st proximo, not to mention the confusion caused the management of the institutions; or to present the matter to you for such action as your wisdom deems necessary in the premises.

Very respectfully,
(Signed) C. P. DODGE,
State Purchasing Agent.

COMMITTEE REPORTS.

The following privileged committee reports were made to the Senate:

Committee Room,
Austin, Texas, February 26, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 203, being a bill to be entitled "An Act to amend Article 994a of the Revised Statutes of the State of Texas of 1895, providing for the manner of transferring cases from one Court of Civil Appeals to another,"

And find the same correctly engrossed.
BEATY, Chairman.

Committee Room,
Austin, Texas, February 26, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 145, being a bill to be entitled "An Act to amend Article 290 of the Penal Code of the State of Texas, to further define 'barratry' so as to include the fomenting of litigation by attorneys at law by soliciting employment or advancing money or other thing of value to the parties to litigations in order to procure employment,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

ADJOURNMENT.

The Senate at 12:40 o'clock p. m., on motion of Senator Davidson of DeWitt, adjourned until 10 o'clock a. m. tomorrow.

18—Senate.

THIRTY-FIRST DAY.

Senate Chamber,
Austin, Tex., Wednesday, Feb. 27, 1901.

Senate met pursuant to adjournment. President Pro Tem. Miller in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—22.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Stafford.
Goss.	Staples.
Harris of Bexar.	Swann.
James.	Turner.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.

Absent—6.

Dibrell.	McGee.
Hanger.	Savage.
Harris of Hunt.	Sebastian.

Absent—Excused.

Grinnan.	Turney.
Patterson.	

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Turner, the same was dispensed with.

EXCUSED.

On motion of Senator Neal, Senator Hanger was excused from attendance upon the Senate indefinitely on account of important business.

On motion of Senator Wheeler, Senator Savage was excused from attendance upon the Senate indefinitely on account of sickness in his family.

PETITIONS AND MEMORIALS.

Senator Lipscomb presented the following:

From minutes commissioners court, February 21, 1901:

Commissioner R. E. Dunks offered the following resolution, seconded by commissioner McDougle, and unanimously adopted by the court, to wit:

Resolved, That whereas, the city of Houston is most centrally located for the convenience of all of the counties belonging to the First Supreme Judicial District, and is accessible by railroad, and many of the counties belonging to said